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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,939	12/11/2006	Daniel Bone	P-US-CS 1152	2533
7590 12/10/2007				
Bruce S Shapiro				
The Black & Decker Corporation				
701 E Joppa Rd - TW 199				
Towson, MD 21286				
EXAMINER				
SHAKERI, HADI				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
12/10/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,939

Applicant(s)

BONE ET AL.

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20071102, 20071015
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

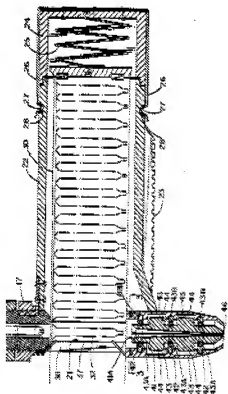
Specification

1. The substitute specification filed October 15, 2007 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing, and a marked-up copy of the substitute specification has not been supplied (in addition to the clean copy, contrary to the statement made in the amendment).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-18 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Petrantoni (5,584,221).

Petrantoni discloses all of the limitations of claim 1, i.e., a screw feeder comprising a magazine (22) having a biasing means (24, 25); a holding portion (40) in communication with the magazine; the holding portion comprising at least one pivotable jaw (44) pivoting about the longitudinal axis between a first and a second position restricting and allowing the entry, respectively of the screw released into the holding portion, under the action of biasing means



(24) and the screw driver bit (20); the magazine defining a center slot in alignment with the longitudinal axis meeting the narrative/functional language.

Petrantoni meets all of the limitations of claims 2-18, i.e., wherein the biasing means (24) urges the workpieces in a direction orthogonal to the longitudinal axis; wherein the holding portion comprises a plurality of jaws urged apart by the head of the screw; guide means nose 46; central slot comprises screw head receiving portion; biasing means (42) holding the jaws closed and meeting the narrative language of claim 13; mounting portion (72-96); adjustment means (e.g., 74, 85) to adjust the separation of the mounting portion; telescopic arm 86B; biasing means (96) urging the tool (70) and thus the mounting portion away from the magazine and the holding portion; wherein the orientation of the holding portion and/or the magazine is adjustable, i.e., the magazine may be placed upside down in connecting to the tool (at 13); the jaws being rotatably mounted to a pin (e.g., 42 at 43b, note that a pin as broadly defined "a piece of solid material" is met by the spring); magazine permitting a slotted stacking of the screws; together meeting the limitations of claims 16 and 18 and having a portion (defined by the chamber) to receive the screw head permitting the screws into the slot only in one direction (no structures recited to read over the feed chamber as disclosed or the head engaging portion of the indexing arrangement of Fig. 27).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.
6. The remarks with respect to the Article 19 amendment filed with the International Bureau in acknowledged, however, amending claims 14 and 16 and canceling claim 17, would not have overcome the objections and the non-treatment of claims 4-17, as the claims submitted under Article 19 on October 31, 2005 (claims examined previously) replacing the published claims were still deficient as were claims published in Pub. No. US 2007/0079672. Furthermore Applicant had ample time to present preliminary amendments for this US application placing the claims in proper format for US practice prior to the first examination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 7, 2007

/Hadi Shakeri/
Primary Examiner, Art Unit 3723